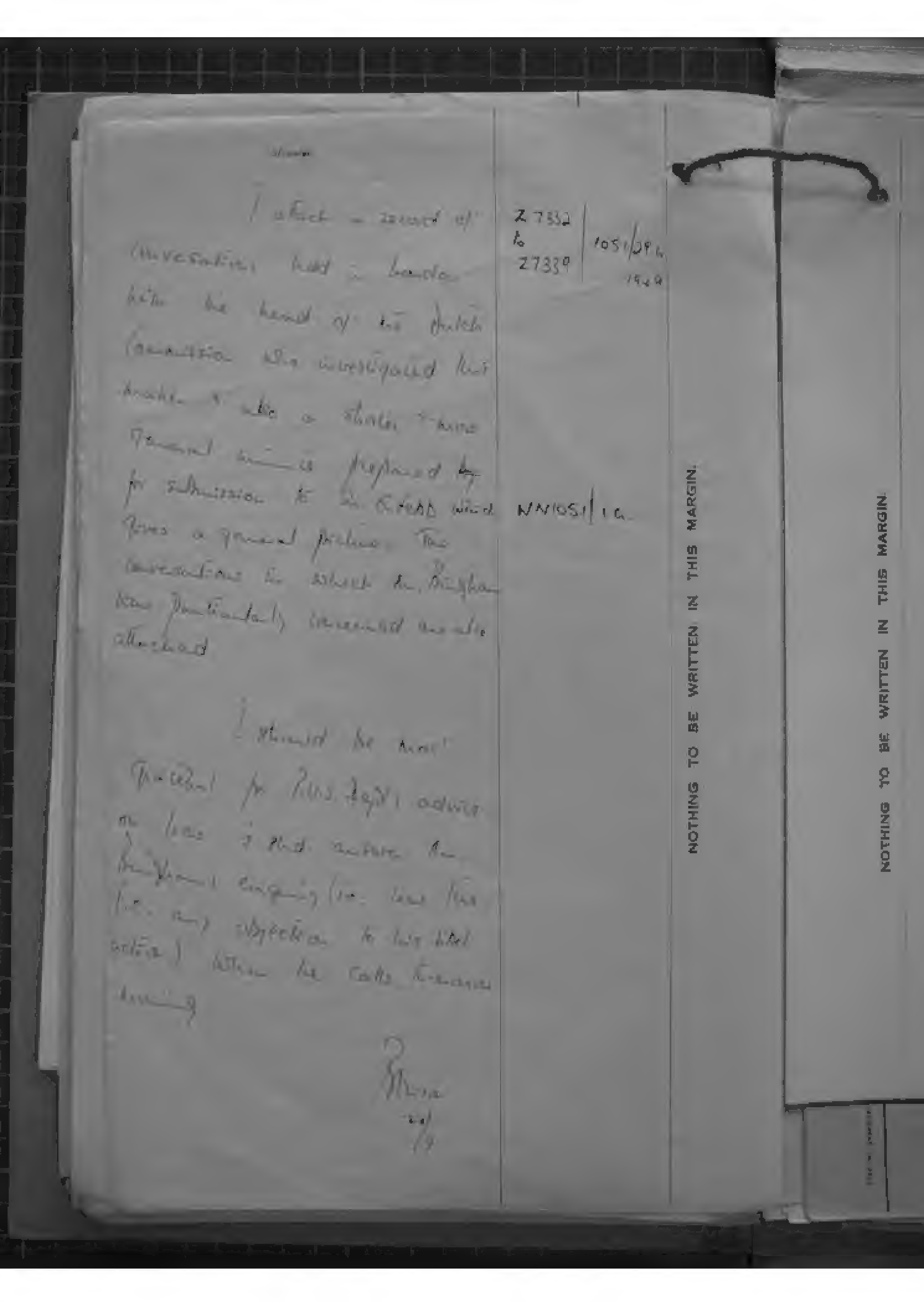

[illegible]

I attach a record of conversations held in London with the head of the Dutch Commission who investigated this matter & also a shorter & more general minute prepared by [illegible] for submission to Sir G. Rendel which gives a general picture. The conversations in which Mr. Bingham was particularly concerned are also attached.

I should be most grateful for Mr. Fitzmaurice's advice on how I should answer Mr. Bingham's enquiry (i.e. have we [illegible] any objection to his libel action) when he calls tomorrow morning.

[illegible]
20/9

Z 7332 to Z 7339 | 1051/29 G 1949

WN 1051/1 G.

NOTHING TO BE WRITTEN IN THIS MARGIN.

Minutes

P.U.S. Dept. asked [me] to attend the meeting with Mr. Bingham, & I attach a chart to the League which explains the course the conversation took. 6

[illegible] 2/4

[illegible] 21/4

[illegible] 21/4

P.U.S. Dept. [illegible] 1/5

L. Margin

Ross 4/5

NOTHING TO BE WRITTEN IN THIS MARGIN.

[illegible]

Registry No. [illegible]

Top Secret
Secret
Confidential
Restricted
Open

Draft

Despatch

Hague.

No 151.

NOTHING TO BE WRITTEN IN THIS MARGIN.

OUTFILE.

April 24th
[illegible] 4.30
24/4.

There has been a new development in the case of the "ENGLANDSPIEL" about which you last ~~wrote to me~~ spoke in your despatch no 77 (1092/5/50) of 21st February ~~though you are unlikely to be called upon to take any action in the matter I think that you should be kept informed of this development~~.

On 2nd April Mr. R. [illegible] whose name again will ~~no doubt~~ be familiar to you, [illegible] was one of the officers interrogated by the [illegible] [illegible] during his visit to London in 1947, called at the Foreign Office ~~[illegible]~~ to say that he had decided to institute proceedings for libel in a Dutch court against [illegible] the

SAME

the Group who had frequently made serious and damaging allegations against him in the press. The Brigadier had discussed the possibility of starting a libel action with his lawyer in [illegible]. The latter had advised him to await the publication of the ~~[illegible]~~ of the [illegible] Parliamentary Commission of Inquiry report. Recently, however, the damaging statements had seemed to be gaining a wider audience instead of dying down, and the Brigadier's father, who lives in Holland, had ~~[illegible]~~ received a number of insulting anonymous letters. The Brigadier himself had also seen the prospect of employment in the Indonesian [illegible] [illegible] the incident had occurred without his [illegible] he had been [illegible] to believe that the Group activities were in some way to blame.

NOTHING TO BE WRITTEN IN THIS MARGIN.

NOTHING TO BE WRITTEN IN THIS MARGIN.

de Graaf, who had frequently made untrue and damaging allegations against him – this [illegible]. Mr Pingham had discussed the possibility of starting a libel action with Mr Janssen – 1949. The latter had advised him to await the publication of the report of the Netherlands Parliamentary Committee of Enquiry. Recently, however, the damaging statements had tended to be growing in wider circles instead of dying down, and Mr Pingham's father, who lives in Holland, had received a number of insulting anonymous letters. Mr Pingham himself had also seen the prospect of employment in the Indonesian [illegible] when the [illegible] had [illegible] [illegible] the group & had been led to believe that the de Graaf articles were in some way to blame.

Commission

3 In view of these developments the Brigadier had consulted a Justice lawyer, who had advised [illegible] that it would be better ~~[illegible]~~ to start proceedings before the publication of the report so that the ~~[illegible]~~ findings which might well be favourable [illegible] or [illegible] could to substantiate the facts already brought out in the libel action. ~~[illegible]~~ If it were only after the Commission of Inquiry had published their findings that the Brigadier and the de Gaulle [illegible] ~~[illegible]~~ that he had been cleared of which the Commission might dismiss as having been intended to [illegible] himself in future [illegible] If the Commission had been dissatisfied the Brigadier suggested [illegible] the only objection to

his evidence in the absence of his
lawyer is proceeding with the case.

4. After consideration of the
various aspects of the matter
the Pringham was informed that
there was no objection to him
acting as the witness. he was He promised
to write personally to Mr. [illegible]
to explain the situation to the
[illegible] which had prompted him
to ~~arrangement~~ change his mind. He
was also advised to request the
[illegible] to allow his lawyer to
[illegible] use of [illegible] signed statement
[illegible] before the Commission [illegible]
became necessary. In fact the
Pringham's lawyer does not object [illegible]
the [illegible] statements [illegible]
[illegible] to [illegible] the Pringham
as a witness in court.

5. Unfortunately the Pringham
[illegible] decided to [illegible] the Commission

[illegible] of his [illegible] and to ask for

his appointment as the next [illegible],

and [illegible] would not be very delayed if it were to start [illegible]

[illegible] it was not possible to

consult you before letting the Professor

that his [illegible] proceed. The fact is

[illegible] having proved difficult of

~~[illegible]~~ [illegible] to [illegible] him,

~~[illegible]~~

~~[illegible]~~

~~[illegible]~~, and

as I think you will agree, a good deal to be said for

~~[illegible]~~ [illegible] [illegible] appointment

that his reputation will benefit

from a [illegible] [illegible] [illegible]

~~[illegible]~~ [illegible] at the [illegible]

I am etc.

[illegible signature]
21/4.

No. 151 OUTFILE

(WR 1051/60)

SECRET

FOREIGN OFFICE, S.W.1.

24th April, 1950.

Sir,

There has been a new development in the case of the "Englandspiel" about which you last reported in your despatch No. 61 (1091/6/50) of the 21st February.

2. On 21st April Mr. S. Bingham, whose name will be familiar to you and who was one of the officers interrogated by Dr. L.A. Donker during his visit to London in 1949, called at the Foreign Office to say that he had decided to institute proceedings for libel in a Dutch court against a Mr. de Graaf, who had frequently made untrue and damaging allegations against him in the press. Mr. Bingham had discussed the possibility of starting a libel action with Dr. Donker in 1949 and the latter had advised him to await the publication of the report of the Netherlands Parliamentary Commission of Enquiry. Recently, however, the damaging statements had seemed to be gaining a wider credence instead of dying down, and Mr. Bingham's father, who lives in Holland, had received a number of insulting anonymous letters. Mr. Bingham himself had also seen a prospect of employment in Indonesia vanish when the contract had seemed within his grasp and had been led to believe that the de Graaf articles were in some way to blame.

3. In view of these developments, Mr. Bingham consulted a Dutch lawyer who had advised him that he had a first class case and that it would be better to start proceedings

/before

I.P. Garran, Esq.,

etc., etc., etc.,

The Hague.

before the publication of the Commission's report so that its findings, which might well be somewhat vague and imprecise, served to substantiate the facts already brought out in the libel action. If it was only after the Commission of Enquiry had published their findings that Mr. Bingham sued Mr. de Graaf, it would be argued that he had been afraid of what the Commission might discover and had hesitated to involve himself in further enquiries until after the Commission had been dissolved. Mr. Bingham enquired whether the Foreign Office saw any objection to him acting on the advice of his lawyer and proceeding with the case.

4. After consideration of the security and political aspects of the matter Mr. Bingham was informed that there was no objection to him acting as he wished, but he was advised to write personally to Dr. Donker to explain his intentions and the reasons which had prompted him to change his mind. He was also advised to request Dr. Donker to allow his lawyer to make use of certain official statements which had been laid before the Commission if this became necessary. If fact Mr. Bingham's lawyer does not expect that he will need such statements and he does not intend to call Mr. Bingham as a witness in court.

5. Unfortunately Mr. Bingham only decided to inform the Foreign Office of his intentions and to ask for their approval at the last minute and as the case could not be long delayed if it was to start before publication of the Commission's report it was not possible to consult you before telling Mr. Bingham that he might proceed. It would, in any case, have proved difficult to dissuade him and there is, as I think

/you...

you will agree, a good deal to be said for his argument that his reputation will benefit from a libel action undertaken at this moment.

I am, with great truth,

Sir,

Your obedient Servant,

(For Mr. Younger)

sd C. V. [illegible]

No. 151

(WN 1051/60)

SECRET

FOREIGN OFFICE, S.W.1.

26th April, 1950.

Sir,

There has been a new development in the case of the "Englandspiel" about which you last reported in your despatch No. 61 (1091/6/50) of the 21st February.

2. On 21st April Mr. S. Bingham, whose name will be familiar to you and who was one of the officers interrogated by Dr. L.A. Donker during his visit to London in 1949, called at the Foreign Office to say that he had decided to institute proceedings for libel in a Dutch court against a Mr. de Graaf, who had frequently made untrue and damaging allegations against him in the press. Mr. Bingham had discussed the possibility of starting a libel action with Dr. Donker in 1949 and the latter had advised him to await the publication of the report of the Netherlands Parliamentary Commission of Enquiry. Recently, however, the damaging statements had seemed to be gaining a wider credence instead of dying down, and Mr. Bingham's father, who lives in Holland, had received a number of insulting anonymous letters. Mr. Bingham himself had also seen a prospect of employment in Indonesia vanish when the contract had seemed within his grasp and had been led to believe that the de Graaf articles were in some way to blame.

3. In view of these developments, Mr. Bingham consulted a Dutch lawyer who had advised him that he had a first class case and that it would be better to start proceedings

/before

I.J. Garran, Esq.,

etc., etc., etc.,

The Hague.

before the publication of the Commission's report so that its findings, which might well be somewhat vague and imprecise, served to substantiate the facts already brought out in the libel action. If it was only after the Commission of Enquiry had published their findings that Mr. Bingham sued Mr. de Graaf, it would be argued that he had been afraid of what the Commission might discover and had hesitated to involve himself in further enquiries until after the Commission had been dissolved. Mr. Bingham enquired whether the Foreign Office saw any objection to him acting on the advice of his lawyer and proceeding with the case.

4. After consideration of the security and political aspects of the matter Mr. Bingham was informed that there was no objection to him acting as he wished, but he was advised to write personally to Dr. Donker to explain his intentions and the reasons which had prompted him to change his mind. He was also advised to request Dr. Donker to allow his lawyer to make use of certain official statements which had been laid before the Commission if this became necessary. In fact Mr. Bingham's lawyer does not expect that he will need such statements and he does not intend to call Mr. Bingham as a witness in court.

5 Unfortunately Mr. Bingham only decided to inform the Foreign Office of his intentions and to ask for their approval at the last minute and as the case could not be long delayed if it was to start before publication of the Commission's report it was not possible to consult you before telling Mr. Bingham that he might proceed. It would, in any case, have proved difficult to dissuade him and there is, as I think

/you...

you will agree, a good deal to be said for his argument that his reputation will benefit from a libel action undertaken at this moment.

I am, with great truth,

Sir,

Your obedient Servant,

(For Mr. Younger)

G

FROM

No.

Dated

Received in Registry

REFERENCES

MINUTES

(Print)

How disposed of:

(Action completed)

(Index)

BRITISH EMBASSY
THE HAGUE

[illegible] May, [illegible]50

Sir,

I have the honour [illegible] your despatch [illegible] the [illegible] [illegible] by [illegible] against [illegible] in connection with [illegible]. I [illegible] informed [illegible] [illegible] described in your despatch [illegible] have taken.

I have the honour to be,
with the highest truth and respect,
Sir,
Your most obedient and humble Servant,

[illegible signature]

The Honourable,
[illegible]inger, [illegible]

1950

WESTERN DEPARTMENT

WN 1051/8

FROM Sir P. Nichols
The Hague
Secret

No. 215 1091 13/50

Dated 18 July

Received in Registry 19 July

The Parliamentary Committee of Enquiry into the conduct of the Netherlands Government during the war

Copies of the fourth part of the Report enclosed

Refers to Hague despatch No 141 of 13th April 1949 (Z3175) and Foreign Office despatch No 286 of 24 May 1949 1017/29

REFERENCES

Z 3175/1017/29 (1949)

WN 1051/5G (1950)

MINUTES

Print

How disposed of

Action completed

Index

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691/7

The Commission's report appears to have followed substantially the line indicated by Dr. Donker during his visit to London and is as satisfactory as Mr. Reilly's friends could have hoped for under the circumstances. The main, and highly damaging charges have been well and truly refuted and judging by the apparently favourable reception given to the report both here and in Holland the charges of ineptitude seem to have been over-shadowed by satisfaction that the accusations of treachery have been dispelled.

The friends concerned fully support Sir F. Nichols suggestion that a letter be written to Dr. Donker and they agree that it would be a pity to stir up the press here by enlarging on or quibbling about any of the Commission's findings.

(Nigel Bicknell)
31st July, 1950.

The S/S agrees,

Dr. Donker on January 8th of this year. The English and Dutch texts will be found as Annex 40 in part 4B of the Report (i.e. the penultimate pages of the Volume).

3. Almost without exception the Dutch press, who had the report in their hands for three weeks before publication was authorised, have emphasized the finding of the Commission that there was no treachery, either on the British or Dutch side, among those concerned with the conduct of clandestine operations in the Netherlands, and they have all expressed the utmost satisfaction at this conclusion. The frankness and co-operative spirit of the British authorities concerned have made an excellent impression, and I have every hope that the publication of the Commission's report will put an end to the insinuations of treachery and duplicity which have, ever since the end of the war, been potentially most harmful to Anglo-Dutch relations.

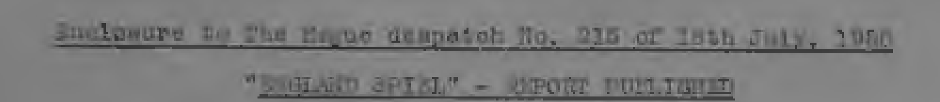
4. Some tribute is, I think, due to the work performed by Dr. Donker in the preparation of this report, which certainly involved considerable intellectual powers and physical effort. In his dealings with me Dr. Donker has at all times shown himself most frank and co-operative, and this, I understand, was also true of his dealings with your Department. If it is your impression after reading this report that Dr. Donker has performed his task in a conscientious and scrupulously fair manner, it is perhaps for consideration whether it would not be appropriate for a word of appreciation to be written to him from London, or alternatively that I should be authorised to convey such a word of appreciation on behalf of His Majesty's Government.

I have the honour to be,

With the highest respect,

Sir,

Your obedient Servant,



Enclosure to The Hague despatch No. 215 of 18th July, 1950

"ENGLAND SPIEL" - REPORT PUBLISHED

T h e H a g u e, July 18th. - A three-volume report, weighing twelve kilogrammes and containing 3,000 pages - which took three months to print - on the "England Spiel" was published here today by the Dutch Parliamentary Enquiry Commission investigating the wartime conduct of the Netherlands Government in London.

The "England Spiel" was a German counter-espionage movement in Holland during World War II, which caused the capture and death of many Dutch and British agents dropped in the Netherlands during the war.

In its report the commission unanimously rejects "the many, often fantastic and speculative theories about treachery, either on the British or on the Dutch side" in the military intelligence service and the military administration in London.

Strong Criticism

But the Dutch as well as the British intelligence services in London and the policy concerning the secret services followed by the Netherlands wartime Government in London are strongly criticised by the commission. Responsibility for the mistakes made on the Dutch side, the report states, is born by the Dutch cabinet at that time, "but especially by some of the individual Ministers."

In this connection the commission's report mentions Holland's wartime Premier Professor P.S. Gerbrandy, former Defence Minister Mr. A.Q.H. Dijxhoorn, former Navy Minister Lieutenant-Admiral (ret.) J.T. Fürstner, former Foreign Affairs Minister Dr. E.N. van Kleffens and former Home Affairs Minister Mr. H. van Boeyen.

Foreign Office Report

On the initiative of the British Ambassador in the Netherlands contact was established between the Dutch Parliamentary Commission and the British Foreign Office. The British Government agreed

/that

that the commission could interview some former British secret service officials, members of the S.O.E. and S.I.S.

After consultations with Mr. C.P. Mayhew, British Parliamentary Under-Secretary of State for Foreign Affairs, the British Foreign Office submitted a report on December 14th, 1949, protesting against the allegation that British authorities would have knowingly sacrificed the lives of Dutch patriots for other purposes, in or outside of Holland.

In a number of points the Foreign Office report explains that - at an early stage of the war - the Germans succeeded in penetrating into the transmission system used between secret service agents in occupied Holland and the intelligence officials in Britain. Finally, the British report continues, the Germans succeeded in obtaining complete control over the system.

"Errors of Judgment"

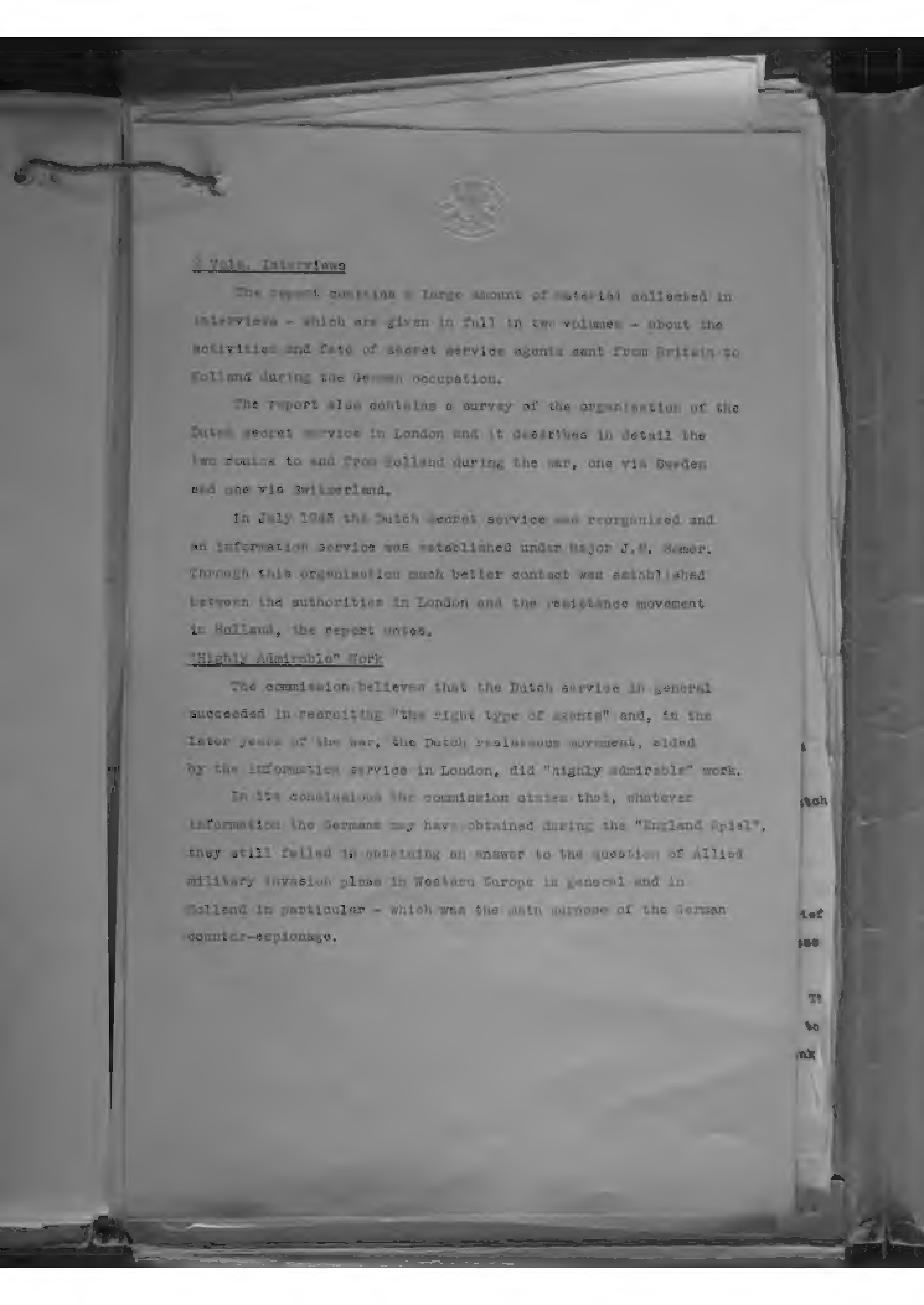
The Foreign Office report states that one of the main causes of the penetration and of its long duration has been the failure on the British side to pay attention to the omission of security checks in the reports transmitted by some of the agents.

It has later been realised, the British report says, that the continuation of operations under those circumstances was a mistake.

In its report the Dutch Parliamentary Commission states that the only difference in opinion between the commission and the British authorities is that the British call their failures "errors of judgment", while the Dutch commission considers them "mistakes, and very serious mistakes in some cases."

Although the Dutch intelligence service in London was very much dependent on the British one, which lessened its own responsibility, the commission has found it guilty of many failures, the report says.

/4 Vols. Interviews



2 Vols. Interviews

The report contains a large amount of material collected in interviews - which are given in full in two volumes - about the activities and fate of secret service agents sent from Britain to Holland during the German occupation.

The report also contains a survey of the organisation of the Dutch secret service in London and it describes in detail the two routes to and from Holland during the war, one via Sweden and one via Switzerland.

In July 1943 the Dutch secret service was reorganised and an information service was established under Major J.M. Somer. Through this organisation much better contact was established between the authorities in London and the resistance movement in Holland, the report notes.

"Highly Admirable" Work

The commission believes that the Dutch service in general succeeded in recruiting "the right type of agents" and, in the later years of the war, the Dutch resistance movement, aided by the information service in London, did "highly admirable" work.

In its conclusions the commission states that, whatever information the Germans may have obtained during the "England Spiel", they still failed in obtaining an answer to the question of Allied military invasion plans in Western Europe in general and in Holland in particular - which was the main purpose of the German counter-espionage.